

REMARKS

Claims 27-49 are pending in the application.

Claims 27-49 stand rejected.

Claims 27-29, 32, 38, 41 and 44-45 have been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 27-49 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 27 to address the Examiner's concerns, and in so doing, Applicants respectfully submit that the rejection of claim 27 under 35 U.S.C. § 101 is overcome thereby. Applicants further respectfully submit that claims 28-49, which variously depend from claim 27, as also allowable for at least the foregoing reasons.

Rejection of Claims under 35 U.S.C. §112

Claims 27-49 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended claims 27-29, 32, 38, 41 and 44-45 to address the Examiner's concerns, and in so doing, Applicants respectfully submit that the rejection of amended claims 27-29, 32, 38, 41 and 44-45 under 35 U.S.C. § 112 is overcome thereby. Applicants further respectfully submit that claims 28-49, which variously depend from claim 27, as also allowable for at least the foregoing reasons.

Rejection of Claims under 35 U.S.C. §102

Claims 27-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walker, et al., U.S. Patent No. 6,064,987 (Walker).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an example of the distinctions between the claimed invention and Buxton, Applicants offer amended claim 27, which now recites:

27. A computer program product comprising:
a data structure for an order processing system comprising
a complex object comprising a service profile, wherein the service profile
represents an asset associated with an account;
a data manager configured to
receive at least a portion of the service profile from an external server via
an information network;
generate a business object based on the portion of the service profile;
a transformation engine configured to generate at least a portion of the complex
object based on the business object, wherein
the complex object is stored in an asset table; and
computer readable storage media, wherein said computer program product is encoded in
said computer readable storage media.

(Emphasis added)

By contrast, Walker is directed to:

“A central controller receives from a POS terminal a purchase price and a financial account identifier. The financial account identifier specifies a financial account, such as a credit card account. The central controller, in turn, generates one or more installment plan identifiers defining installment plans for payment of the purchase price. The installment plan identifiers are based on the purchase price and/or the financial account identifier. For example, certain accounts or certain high purchase prices may merit preferred installment plans. The installment plan identifiers are transmitted to the POS terminal. A purchaser at the POS terminal selects whether he would like to pay for his purchase in installments and, if so, using which installment plan. The POS terminal generates a selection signal indicative of whether to accept any of the installment plans, and transmits the selection signal to the central controller. The central controller receives the selection signal. If the selection signal indicates acceptance of any installment plan, use of the accepted installment plan for the financial account is authorized. Thereafter, bills are generated which reflect installment charges to be paid.”

(Walker, Abstract)

As an initial matter, Applicants respectfully note that the statement made in the Office Action, which reads: “[f]eatures which are optionally recited carry no patentable weight ...”

citing MPEP 2106, Section C, does not apply to claim 27. Even if any claim elements or portions thereof recited in the earlier claim were to in fact carry no patentable weight (a point which Applicants do not concede), no basis exists with regard to claim 27 as it now reads.

Regarding the subject matter claimed by claim 27, while Walker is directed to a central controller receives from a POS terminal a purchase price and a financial account identifier, the claimed invention is directed to a data structure for an order processing system, which comprises a complex object, a data manager and a transformation engine. This distinction evidences the inability of Walker to anticipate the claimed invention. For example, even if the elements of Walker were comparable to those of the claimed invention (a point which Applicants do not concede), Walker allows the selection of one among a number of installment plans, the claimed invention provides a data structure that comprises a complex object, a data manager and a transformation engine. Thus, the claimed data structure not only includes data not comprehended by a system according to Walker, but also functional modules that Walker's simple data has no capability to comprehend. Applicants respectfully submit that that this fact, taken alone, is sufficient to distinguish the claimed invention over Walker.

Moreover, Applicants respectfully submit that Walker fails to teach a number of the recited elements, as purported in the Office Action. For example, the Office Action states that an the claimed asset is comparable to a purchase price or installment amount associated with an account. However, it is specifically pointed out in the instant Specification that:

“...

Complex asset – A complex asset is a particular instance of a customizable product or service that has been sold and delivered to the customer.

...” (Specification, p. 20, ll. 27-28)

Thus, an asset in the claimed invention is a product or a service, and not simply a characteristic, such as a purchase price or installment amount, as posited by the Office Action.

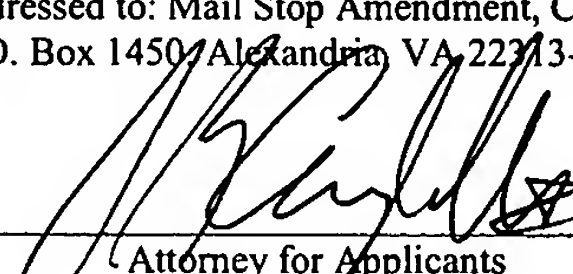
Furthermore, Walker and the claimed invention differ fundamentally by their very nature. Walker is concerned with providing and processing installment plans at a point-of-sale terminal. The claimed invention provides a data structure that supports a complex object by also providing a data manager (configured, in part, to generate a business object) and a transformation engine (configured to generate at least part of the complex object based on the business object). Thus, the claimed invention provides a data manager and a transformation engine to generate at least part of a complex object. Thus, the approach in Walker, where such even comparable to the claimed invention, is significantly more primitive, were such even comparable to the much richer methodology of the present invention.

Applicants respectfully submit, therefore, that independent claim 27 is allowable over Buxton and Applicants thus respectfully urge the Examiner withdraw the §102 rejection of claim 27. Applicants further respectfully submit that dependent claims 28-49 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 24, 2007.


Attorney for Applicants

7/24/07
Date of Signature

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